

EXHIBIT 30

**To
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

March 15, 2016

Case No. 14-CV-4391

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NICOLE HARRIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 14 CV 4391
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

The deposition of ROBERT BARTIK, pursuant to notice and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Carmella T. Fagan, C.S.R., R.P.R., Notary Public within and for the County of Cook and State of Illinois, at 1180 North Milwaukee Avenue, Third Floor, in the City of Chicago, Cook County, Illinois, commencing at 10:12 a.m. on the 24th day of November, 2015.

BREHON REPORTING (708) 442-0027

1 A. I believe I did. Yes.

2 Q. Was there any kind of exam at the
3 conclusion of that test?

4 A. No.

5 Q. Or at any time during that -- that
6 class?

7 A. No, ma'am.

8 Q. Was there any evaluation of your
9 comprehension of the materials, if you know?

10 A. No.

11 Q. Anything that you learned in that
12 class have any effect on how you conducted yourself
13 as a polygraph examiner in the Chicago Police
14 Department?

15 A. No.

16 Q. The PC sex offender testing course,
17 when was that?

18 A. Also mid-2000s, I believe.

19 MR. NATHAN: (Coughing.) Excuse me.

20 BY MS. SUSLER:

21 Q. And how long was that class?

22 A. One week.

23 Q. Where was it?

24 A. It was in a hotel out in Elmhurst.
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1 Q. Who offered it?

2 A. Dan Sosnowski.

3 Q. Were there any techniques that were
4 discussed in that class?

5 A. What it was, it was, you were
6 certified -- after you took that class, you were then
7 certified able to conduct post-conviction polygraph
8 examinations on convicted sex offenders.

9 Q. So in terms of your role as a
10 polygraph examiner for the Chicago Police Department
11 other than testing sex offenders, did it have any
12 effect?

13 A. No.

14 Q. And the continuing education you
15 mentioned in Greensboro, when was that?

16 A. I believe it was 2013; 2012, 2013.
17 You'll have to forgive me, ma'am. I'm horrible when
18 it comes to dates.

19 Q. How long was that class?

20 A. That was also a week.

21 Q. Who was it offered by?

22 A. The -- I forget. I was -- I was sent
23 there by the police department.

24 Q. So you don't know who offered the
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1 class?

2 A. Actually, no. They -- they -- they
3 told me I was going.

4 Q. What was the subject of the class?

5 A. I mean, it was more of a continuing
6 education refresher course.

7 Q. What, if any, techniques were
8 addressed in that class?

9 A. There were a bunch of examiners there
10 who all did -- or they exercised different
11 techniques.

12 Q. My question was: What, if any,
13 techniques were discussed in the class, were taught
14 in the class?

15 A. Yeah. That, I don't remember.

16 Q. Was there any evaluation of your
17 comprehension of the materials?

18 A. No, ma'am.

19 Q. Did it have any effect in your -- on
20 your practice as a polygraph examiner in the Chicago
21 Police Department?

22 A. No.

23 Q. Any other education with respect to
24 polygraph examination that you haven't told me about
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1 Q. There's no continuing education
2 requirement?

3 A. No.

4 Q. Are there any requirements in the
5 licensing law in the State of Illinois about how you
6 must conduct and score polygraph tests?

7 A. I don't know.

8 Q. Okay. And how about if I ask you that
9 as of 2005? If you know, were there any requirements
10 in the licensing law about how you had to conduct or
11 score polygraph testing?

12 A. That, I don't know.

13 Q. Are there any requirements about what
14 documentation you must maintain and for how long?

15 A. I believe we have to -- and I'm -- I'm
16 just guessing. I believe it's we have to keep the
17 charts, and I believe it's for a matter of five
18 years.

19 Q. And is that a Chicago Police
20 Department requirement or a State of Illinois
21 requirement?

22 A. I believe it's the State of Illinois.

23 Q. Have you had any discipline in rel --
24 in relation to your license of -- for detection of
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1 deception?

2 A. No.

3 Q. Have you had any complaints registered
4 with respect to your practice as an examiner of
5 detection of deception to the licensing body?

6 A. No.

7 Q. You've never been informed of any
8 complaints with respect to your license?

9 A. No.

10 Q. Have you ever been a member of a
11 professional organization related to polygraph
12 examination?

13 A. I was a member of the American
14 Polygraph Association for one year, and I was a
15 member of the Illinois Polygraph Society for, I
16 believe, two or three.

17 Q. Which year were you a member of the
18 APA?

19 A. Unknown. I don't remember.

20 Q. Was it close to the time that you
21 grad -- you finished your program at Reid?

22 A. I don't remember, ma'am.

23 Q. All right. How about the Illinois
24 Polygraph Society, what years were those?

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1 A. That, I also don't remember.

2 Q. Was it earlier in your career?

3 A. I think so. I'm -- I don't remember.

4 Q. Did you ever attend professional
5 conferences or meetings with respect to polygraph
6 examination?

7 A. No.

8 Q. Did you ever subscribe to a
9 professional journal?

10 A. No.

11 Q. Did you ever publish an article about
12 polygraph examination?

13 A. No.

14 Q. Did you ever teach or give a
15 presentation in a professional setting about
16 polygraph examination or anything related to it?

17 A. No.

18 Q. And how about in any other setting
19 other than a professional setting?

20 A. I one time gave a presentation to
21 newly-promoted detectives.

22 Q. When was that?

23 A. That was June of 2014.

24 Q. What did presentation consist of?
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1 A. One of the supervisors. I believe
2 there was -- one of the -- one of the people who was
3 conducting the detective class saw me in the hallway
4 and said, "I need you to do this." So. . .

5 Q. Fair enough. Do you think it's
6 important for a professional polygraph examiner to
7 receive continuing education so he can remain current
8 on developments and new research in the profession?

9 MR. NATHAN: Object to the form of the
10 question.

11 THE WITNESS: Polygraph is an -- is an
12 interesting dilemma because you're -- it's -- I feel
13 that with polygraph, what they're doing is they're
14 just reinventing the horse.

15 BY MS. SUSLER:

16 Q. Can you say what you mean, please?

17 A. They're basing a lot of what they do
18 on the same criteria and same technique that has
19 use -- been used for years. And if it's not broke,
20 don't fix it.

21 Q. So would it be fair to say that you
22 don't think that continuing education is important
23 for polygraph career professionals?

24 A. No, that's not safe. I would say that
 BREHON REPORTING (708) 442-0027

1 it's -- it's always -- it's always beneficial to know
2 what people are doing, but just because it's new
3 doesn't mean it's better.

4 Q. Your -- your philosophy with respect
5 to polygraph examination is that it can't be improved
6 on?

7 MR. NATHAN: Objection, mischaracterizes the
8 testimony.

9 THE WITNESS: No. That's not my -- I'm saying
10 that the polygraph -- I have not seen any -- any
11 other technique that proves that it's better than any
12 other one.

13 BY MS. SUSLER:

14 Q. Say what you mean.

15 A. There are -- the -- the Army MGQT is a
16 type, a form, of polygraph technique. It is, sight
17 and sound, side-by-side, almost exactly the same as
18 the Reid polygraph technique, except for one or two
19 small little tweaks that they have inserted. They
20 have decided that those small tweaks make it better.
21 That's their decision; that's what they use.

22 Q. And you're not convinced.

23 A. I don't think it -- I don't think they
24 were necessary.

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1 Q. Okay.

2 A. I think they're -- they're -- the job
3 of the Reid technique and the M -- the Army MGQT,
4 although they are almost the same, they -- you know,
5 they have their small differences.

6 Q. So if -- if I'm -- understand you
7 correctly, you are partial to the Reid technique.

8 A. That's what I was trained in.

9 Q. Yes. And in the three courses that
10 you told me about, you -- is it fair to say that
11 you -- since you didn't -- it didn't affect your
12 practice as a polygraph examiner, you were not
13 persuaded by any of the exposure that you had to
14 other techniques, that you needed to do anything
15 different other than the Reid technique?

16 A. I have been trained in the Reid
17 technique. The Reid technique works for me, so
18 that's what I'm going to continue to use.

19 Q. In the continuing education classes
20 that you attended, was scientific research on
21 polygraph testing covered in any of them?

22 A. I don't remember.

23 Q. Do you read journals or magazines or
24 newsletters or papers as part of your ongoing, either
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1 personal or professional, edification as a polygraph
2 examiner?

3 A. No.

4 Q. What was the last article or anything
5 that you read about polygraph examination?

6 A. That, I can't re -- I don't remember.

7 Q. Did you have any secondary employment
8 while you've been with the Chicago Police Department?

9 A. Yes.

10 Q. When was the last time you did any
11 work for Bart & Associates?

12 A. Probably about five years ago.

13 Q. Do you have an economic interest in
14 Bart & Associates?

15 A. Economic how? What do you mean?

16 Q. Financial.

17 A. Do I own it?

18 Q. Do you have any interest --

19 A. I get paid.

20 Q. -- financially?

21 A. I -- I get paid.

22 Q. All right.

23 A. Other than that --

24 Q. Do you get -- do you get paid
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1 to eight years ago.

2 Q. Under what circumstances did she
3 leave?

4 A. She retired.

5 Q. Now, you started the department in
6 1988?

7 A. Yes.

8 Q. And that was after you'd finished
9 Reid?

10 A. Yes.

11 Q. And you worked on parole -- patrol?

12 A. Yes.

13 Q. Transferred to the polygraph in '98?

14 A. Sounds about right. It's -- once
15 again, like I said, when it comes to dates, ma'am,
16 I'm real iffy.

17 Q. How long were you in the Polygraph
18 Unit?

19 A. For the time -- I left the Polygraph
20 Unit in May of 2014.

21 Q. And why did you leave?

22 A. I got promoted to sergeant.

23 Q. So how many years did you work in
24 the -- in the Polygraph Unit?

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1 A. When I first started? No.

2 Q. There -- at some point there was a
3 document that set forth guidelines and --

4 A. I was -- when I first started, I
5 didn't know there was one, but there is one. Yes.

6 Q. Okay. I'm sorry. I'm a little
7 confused. When you first started there was one, you
8 just didn't know about it?

9 A. Yes, ma'am. That's correct.

10 Q. Okay. When did you become aware of
11 the document?

12 A. I don't remember.

13 Q. How many years had you been working in
14 the Polygraph Unit before you first became aware of
15 that document?

16 A. I believe we were still at 1121 South
17 State Street before the building was razed and
18 lowered, so within three, four years of being there.

19 Q. Okay. When was the building at
20 1121 South State razed?

21 A. I don't remember.

22 Q. How many years had you been in the
23 Polygraph Unit at 1121 South State?

24 A. Three to four year -- and this is an
BREHON REPORTING (708) 442-0027

1 estimate, three to four years.

2 Q. Okay. How was it that you became
3 aware that there was a document?

4 A. I don't remember how.

5 Q. What was the document?

6 A. The standard operating procedures of
7 the Polygraph Unit.

8 Q. And which division was the Polygraph
9 Unit in at the time that you saw this document?

10 A. Crime lab.

11 Q. And is that also called Technical
12 Services?

13 A. Yes.

14 Q. Okay. Did someone show you the
15 document?

16 A. I don't remember, ma'am. I don't
17 remember how I became -- how I came upon it.

18 Q. Did anyone ever communicate to you,
19 before you first saw that document, the contents of
20 that document without your having seen the document?

21 A. I don't know. I don't remember.

22 Q. What happened after 1121 South State
23 was razed? Where did the Polygraph Unit go?

24 A. We were relocated to 1011 South Homan
BREHON REPORTING (708) 442-0027

1 you have a chain of command?

2 A. Yes.

3 Q. What was your chain of command?

4 A. I had a sergeant, a lieutenant, and a
5 commander.

6 Q. And they weren't just for the
7 Polygraph Unit?

8 A. No.

9 Q. They were for other --

10 A. They were -- they were for the entire
11 crime lab.

12 Q. And who -- who was in your chain of
13 command for the years you were at 1121 South State?

14 A. My sergeant was Curtis Gray, my
15 lieutenant was Jack Huels, and I forget who my
16 commander was at the time. I apologize. I'm drawing
17 a blank.

18 Q. If you think of it --

19 A. Later on --

20 Q. -- while we're here --

21 A. -- I would be more than happy to let
22 you know.

23 Q. That's great. And what, if any,
24 supervision did you get from your chain of command

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1 with respect to your responsibilities as a polygraph
2 examiner?

3 A. They were not polygraph examiners.

4 Q. No -- Curtis Gray wasn't?

5 A. No.

6 Q. And Lieutenant Huels wasn't?

7 A. No.

8 Q. And the commander wasn't?

9 A. No.

10 Q. So what, if any, supervision did you
11 get from them with respect to your duties as a
12 polygraph examiner?

13 MR. NATHAN: Object to the form of the
14 question.

15 THE WITNESS: None.

16 BY MS. SUSLER:

17 Q. Did you get any supervision of your
18 polygraph duties and responsibilities from anyone
19 else?

20 A. No.

21 Q. When the unit moved to 1011 South
22 Homan, did you also have a chain of command?

23 A. Yes, ma'am.

24 Q. Can you tell me what it was?
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1 A. Sergeant, lieutenant, commander.

2 Q. That's pretty much true for any
3 assignment in the Chicago Police Department?

4 A. Yes, ma'am.

5 Q. Okay.

6 A. (Coughing.) Excuse me.

7 Q. Are you okay?

8 A. Yeah. I'm fine. I apologize.

9 Q. Who was your sergeant, lieutenant, and
10 commander at 1011 South Homan?

11 A. My sergeant was Sergeant Rick Pavone;
12 my lieutenant was Jack Huels; my commander was -- I
13 had two commanders. I had Commander Frank Kehoe,
14 K-e-h-o-e, and Mary West, and I had Commander Joe
15 Murphy.

16 Q. Were any of them polygraph examiners?

17 A. No.

18 Q. And what, if any, supervision did you
19 get with anyone in your chain of command with respect
20 to your duties and responsibilities as a polygraph
21 examiner?

22 MR. NATHAN: Object to the form of the
23 question, foundation.

24 Go ahead.

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1 THE WITNESS: None.

2 BY MS. SUSLER:

3 Q. And did you get any supervision from
4 anyone else in the Chicago Police Department with
5 respect to your duties and responsibilities as a
6 polygraph examiner during the time you were at
7 1011 South Homan?

8 A. No.

9 Q. At either 1121 South State or
10 1011 South Homan, during your years there as
11 polygraph examiner, were -- if you know, were you
12 ever evaluated or given any kind of job performance
13 evaluation?

14 A. I don't know.

15 Q. You're not aware of any?

16 A. I don't -- I don't remember. I
17 might -- I might have been. I don't remember.

18 Q. Okay. Were you ever given anything in
19 writing to let you know that you had been given some
20 kind of performance evaluation?

21 A. I believe I was given, at one time,
22 performance cards, evaluation cards. Yes.

23 Q. When was that?

24 A. That, I don't remember.

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1 THE WITNESS: And I apologize to you, ma'am.

2 MS. SUSLER: Yeah, I'll -- we'll both try.

3 BY MS. SUSLER:

4 Q. When you went to Pershing, it was you
5 and Howley?

6 A. And Tina Figueroa. Yes.

7 Q. Okay. Anybody else?

8 A. At that time, no.

9 Q. And for the couple years that you were
10 there, what was your chain of command?

11 A. The same: Sergeant, lieutenant,
12 commander.

13 Q. Sergeant Rick Pavone;
14 Lieutenant Huels; and Commanders Kehoe, West and
15 Murphy?

16 A. Yes.

17 Q. In the years that passed, had any of
18 them become polygraph examiners?

19 A. No.

20 Q. And what, if any, supervision did any
21 of your chain of command provide to you while the
22 unit was at Pershing?

23 MR. NATHAN: Objection, form, foundation.

24 THE WITNESS: None.

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1 BY MS. SUSLER:

2 Q. And did you receive supervision from
3 any other source while you were at Pershing with
4 respect to your performance as a polygraph examiner?

5 MR. NATHAN: Objection, form, foundation.

6 THE WITNESS: No.

7 BY MS. SUSLER:

8 Q. Did you have the same performance
9 evaluation cards on Pershing or not?

10 A. I don't remember.

11 Q. And then you said that -- when you
12 moved to the academy -- who were the polygraph
13 examiners there?

14 A. At the beginning, it was the same.

15 Q. You and Howley and Figueroa?

16 A. Yes.

17 Q. And was Tovar still working?

18 A. No. Tovar had since retired at that
19 point.

20 Q. Do you know where he is now?

21 A. No idea. Mr. Tovar has a habit of
22 disappearing, I believe.

23 Q. Okay. What does that mean?

24 A. He -- once he left the police
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1 A. Yes.

2 Q. And the same questions about
3 supervision -- well, first, did any of them, if you
4 know, become trained polygraph examiners in the
5 interim?

6 A. No, ma'am.

7 Q. And what, if any, supervision did any
8 of them give you with respect to your performance as
9 a polygraph examiner?

10 MR. NATHAN: Objection, form, foundation.

11 THE WITNESS: None.

12 BY MS. SUSLER:

13 Q. What, if any, supervision did you get
14 from anywhere else in -- in the police department
15 with respect to your performance as a polygraph
16 examiner?

17 A. None.

18 Q. Did you continue to get the
19 performance evaluation cards?

20 A. No.

21 Q. Was there any other supervision that
22 you ever got in any of the 16 years you were a
23 polygraph examiner at the Chicago Police Department
24 that you haven't told me about?

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1 A. Not that I remember.

2 Q. The standard operating procedure that
3 you mentioned you saw three or four years after you
4 started as a polygraph examiner, what did that
5 provide?

6 A. Information, basic gli -- guidelines.
7 It was part of the overall -- I don't know if it was
8 a department notice or if it was a special order
9 concerning all aspects of the Technical Services
10 Division.

11 You know, the Technical Disservi --
12 Service Division had the ETs, the mobile crime lab
13 guys, the gun unit, evidence evaluation. And it
14 showed what each and every department did, what their
15 hours were, how to get in contact with them. And one
16 of them was the polygraph.

17 Q. What -- what specifically did the
18 document provide with respect to the Polygraph Unit's
19 standard operating procedures?

20 A. Can you be more specific?

21 Q. Yeah. I just want to know what -- the
22 document that you said was the standard operating
23 procedures, the one that you found out about three or
24 four years after you were --

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1 was --

2 Q. Which was?

3 A. Six, seven years ago.

4 Q. Do you -- where -- where was the unit
5 at the time?

6 A. The unit was at -- I believe the unit
7 was at the academy.

8 Q. Okay.

9 A. I'm almost -- yes. The unit was at
10 the academy when Lieutenant Huels retired.

11 Q. Any other changes with respect to that
12 supervision?

13 A. At that point -- if I remember, I'll
14 try to amend it --

15 Q. Sure.

16 A. -- again like this one.

17 Q. Let's just go back to the standard
18 operating procedures, then. Did -- did anyone ever
19 talk to you about the standard operating procedures,
20 either the version that existed before the revision
21 or the revised version?

22 A. No.

23 Q. And as far as you know, was there ever
24 any other revision or changes in the standard

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1 operating procedures?

2 A. Not that I know of.

3 Q. When -- have you ever seen any
4 statistics about the Polygraph Unit, like how many --
5 for example, how many polygraph examinations are done
6 annually?

7 A. No.

8 Q. Do you know whether the Chicago Police
9 Department keeps any such statistics?

10 A. I don't know.

11 Q. Do you know whether there's ever been
12 any kind of a -- an evaluation or a review or an
13 analysis of the polygraph examination unit?

14 A. I don't know.

15 Q. Are -- are you aware of any?

16 A. No.

17 Q. Do you know how many polygraph
18 examinations were -- are done annually for any year?

19 A. No, ma'am, I don't.

20 Q. Do you know how many you do annually?

21 A. No.

22 Q. Is there anything you do to keep track
23 of the polygraph examinations that you administer?

24 A. No.

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1 Q. Do you have any idea how Howley
2 conducted his polygraph examinations?

3 A. No.

4 Q. And, if you know, did Howley have any
5 idea how you conducted your polygraph examinations?

6 A. No.

7 Q. Did Figueroa have any idea how you
8 conducted your polygraph examinations?

9 A. No.

10 Q. So is it fair to say there wasn't any
11 what you might call peer review of the polygraph
12 examinations that you all conducted in the Polygraph
13 Unit?

14 A. That would be correct.

15 Q. When you went to Reid, that was here
16 in Chicago?

17 A. Yes.

18 Q. And do you know at the time that you
19 were attending whether it was accredited by the
20 American Polygraph Association?

21 A. I don't know.

22 Q. What was the criteria for admission,
23 if you know?

24 A. You had to apply; you had to have a
BREHON REPORTING (708) 442-0027

1 examiner?

2 A. Yes.

3 Q. And that would be true for 2005 as
4 well?

5 A. Yes.

6 Q. The entire time.

7 A. Yes.

8 Q. What qualifies as a validated
9 polygraph technique according to the American
10 Polygraph Association, if you know?

11 A. I don't know.

12 Q. The scoring of the reactions that you
13 are recording in the Reid technique, I think you
14 mentioned it was global.

15 A. Yes.

16 Q. Is that the word you used?

17 A. Yes.

18 Q. And what is the training in terms of
19 how you do a global scoring? What training did you
20 get?

21 A. With the Reid technique?

22 Q. Yes. That's -- that was your --

23 A. Yes, ma'am.

24 Q. -- training, right?

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1 A. Yes, ma'am. We were shown each
2 different type of reactions; we were shown different
3 charts for -- we were shown hundreds of charts. We
4 looked at them; we evaluated them; we determined
5 whether or not these charts were deceptive,
6 nondeceptive. We were -- we did a lot of practice on
7 looking at them and making determinations.

8 During the course of our 125
9 examinations that we had administered, we looked at
10 those and we -- excuse me -- and we evaluated those
11 globally and made a determination also.

12 Q. Is it fair to say that the global
13 scoring method that Reid -- that is in the Reid
14 technique is subjective?

15 A. I think all scoring is subjective.

16 Q. Okay. But my question to you is --

17 A. Yes.

18 Q. Okay. So the -- the Reid global
19 scoring technique is a subjective method of scoring.

20 THE WITNESS: Yes.

21 MR. NATHAN: Object to the form of the
22 question.

23 BY MS. SUSLER:

24 Q. And by "subjective," that means it
 BREHON REPORTING (708) 442-0027

1 depends on who's reading the score.

2 A. Yes.

3 Q. In -- when you are doing the global
4 scoring of a polygraph examination, about how long
5 does that take?

6 A. Probably about five minutes.

7 Q. And the longer you're a polygraph
8 examiner, the quicker it -- it is, right, you know
9 what you see pretty quickly?

10 A. You can look -- yes, ma'am. You
11 get -- you get used to reading the charts.

12 Q. And you can actually see -- as the
13 person is hooked up to the instrument, you can
14 actually see, as the test is proceeding, how the
15 person is doing.

16 A. You can see earmarks, you can see
17 reactions as it's coming off. Yes.

18 Q. Do you know how to do numerical
19 scoring of a polygraph examination?

20 A. Yes.

21 Q. Have you ever done that in any of the
22 polygraph examinations you administered with the
23 Chicago Police Department?

24 A. Yes.

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1 Q. When?

2 A. I have done numerical scoring for all
3 the examinations I did for the Human Resources
4 Division.

5 Q. When was that?

6 A. For the year from, I believe it was,
7 from about December 20 -- was it 2012 to May of
8 2015 -- or, I'm sorry -- December 2013 to May of
9 20 -- May of 2015.

10 Q. So that was while you were at the
11 academy?

12 A. Yes.

13 Q. And those were some of the personnel
14 polygraphs that were done?

15 A. Yes.

16 Q. So you did criminal as well as Human
17 Resource --

18 A. Yes, ma'am.

19 Q. -- polygraphs?

20 A. Yes, ma'am. We were asked at one
21 point to help with the applicants.

22 Q. So let me just see -- and you should
23 correct me if I'm wrong. For all of the criminal
24 polygraph investigations that you did in your career
BREHON REPORTING (708) 442-0027

1 as a polygraph examiner with the Chicago Police
2 Department, you used the Reid technique and global
3 scoring.

4 A. Yes.

5 Q. And for the Human Resources Division,
6 when you did polygraph examinations for the Chicago
7 Police Department in the pre-employment context, you
8 used a numerical scoring.

9 A. Yes.

10 Q. Why?

11 A. For consistency. The other examiners
12 who were there, they used numerical scoring in all of
13 their results. The examinations of police
14 applicants, it's a very rigid examination. The
15 questions are structured; there's no change in them.
16 You have to ask the same exact questions to say --
17 every person, and they wanted it very structured.

18 Q. And when you say, "They wanted it very
19 structured" --

20 A. I -- I apologize. The police
21 department, the -- the Human Resources people wanted
22 us to keep it very structured and all the same.

23 Q. So you were told, when you were
24 administering the polygraph examination for the Human
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1 Q. Do you know anything about the
2 decision to hire you as a polygraph examiner by the
3 Chicago Police Department?

4 A. No.

5 Q. Just one day you were in patrol and
6 then after this interview with Huels, you were a
7 polygraph examiner?

8 MR. NATHAN: Object to the form of the
9 question.

10 THE WITNESS: Yes.

11 BY MS. SUSLER:

12 Q. And Huels was the one who hired you?

13 A. I don't know.

14 Q. Did you ever see anybody else in the
15 process of the application?

16 A. No.

17 Q. Do you know whether -- do you know who
18 made the decision to hire you?

19 A. No.

20 Q. Do you know why you were selected?

21 A. No.

22 Q. Once you were selected as a -- to be a
23 polygraph examiner, were you provided with any
24 written post or job description?

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1 A. No.

2 Q. Have you ever had a written post or
3 job description as a polygraph examiner in the CPD?

4 MR. NATHAN: Objection to the extent it calls
5 for speculation.

6 Answer if you know.

7 THE WITNESS: No.

8 BY MS. SUSLER:

9 Q. How did you know what your job was?

10 A. To administer polygraph examinations.

11 Q. That -- that was it? You're hired as
12 a polygraph examiner and that was your job, to
13 administer polygraph exams.

14 A. Yes.

15 Q. Did you -- when you started as a
16 polygraph examiner, if you know, was there a general
17 order in the police department with respect to
18 polygraph examination?

19 A. That, I don't know.

20 Q. Did you ever see one?

21 A. That, I don't know. I -- have I ever
22 seen one? I -- no.

23 Q. At no time, throughout your career as
24 a polygraph examiner, have you ever seen a Chicago

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1 Q. All right. But there wasn't ever any
2 kind of routine testing to see if it was working all
3 right.

4 A. No.

5 Q. Was there any record of the
6 maintenance of the equipment kept?

7 A. No.

8 Q. Are you aware of whether there are any
9 requirements other than what you've already told me
10 in the Chicago Police Department for the polygraph
11 procedure?

12 A. No.

13 Q. Basically you were free to do whatever
14 you thought was appropriate?

15 MR. NATHAN: Objection to the form of the
16 question.

17 THE WITNESS: Appropriate how?

18 BY MS. SUSLER:

19 Q. In terms of administering the
20 polygraph examination.

21 A. As far as what technique we were to
22 use?

23 Q. Correct.

24 A. Yes.

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1 Q. Or any other -- any -- anything else?

2 MR. NATHAN: Object to the form --

3 THE WITNESS: Anything else how?

4 MR. NATHAN: -- of the question.

5 BY MS. SUSLER:

6 Q. Was there any -- any requirements that
7 the Chicago Police Department communicated to you
8 about the polygraph procedure at any time?

9 A. No.

10 Q. Was there any -- anything communicated
11 to you by anyone in the Chicago Police Department
12 about following national standards?

13 A. No.

14 Q. About note taking?

15 A. No.

16 Q. About recording?

17 MR. NATHAN: Objection, foundation as to time
18 frame.

19 THE WITNESS: After a while, we were required
20 to record all homicides.

21 BY MS. SUSLER:

22 Q. Before you were required to record all
23 homicides, was there ever anything communicated to
24 you by anyone in the Chicago Police Department about
BREHON REPORTING (708) 442-0027

1 requirements were as far as interviewing people and
2 keeping them recorded.

3 Q. You understood that for all polygraph
4 examinations that you administered, for people who
5 were either accused or suspected of homicide, that
6 you were to make video and audio recordings?

7 A. Yes.

8 Q. In the Polygraph Unit, in your entire
9 career, are you aware of whether there was ever a
10 quality control review?

11 A. I don't -- I don't know.

12 Q. Are you ever aware --

13 A. No.

14 Q. -- that there was one?

15 A. No.

16 Q. As far as you know, there was never
17 any quality control review of your polygraph
18 examinations?

19 A. No.

20 Q. Let's make sure that came out right.
21 Are you aware of any quality control reviews of your
22 polygraph examinations at any time throughout your
23 career as a polygraph examiner for the Chicago Police
24 Department?

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1 what we've marked as Exhibit 38?

2 A. I don't remember.

3 Q. How, if at all, did these SOPs in
4 Exhibit 38 affect your practice as a polygraph
5 examiner in the Chicago Police Department once you
6 saw them?

7 A. It didn't.

8 Q. Do you know how the implementation or
9 monitoring or supervision of these SOPs was
10 implemented by the Chicago Police Department --

11 A. No.

12 Q. -- if it was at all?

13 A. No, I don't.

14 Q. Has anyone responsible for monitoring
15 or supervising the implementation of these SOPs ever
16 talked to you about them?

17 A. No.

18 Q. Do you know whether other polygraph
19 examiners in the unit implemented these SOPs?

20 MR. NATHAN: Object to the form of the
21 question, calls for speculation.

22 THE WITNESS: No, I don't.

23 BY MS. SUSLER:

24 Q. Do you know whether these SOPs when
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1 Q. As far as you knew, in 2011, the grief
2 and shock and other aftereffects of -- of the death
3 of a close loved one were still something that could
4 affect the outcome of a polygraph examination,
5 correct?

6 A. Yes.

7 Q. Did you have any input into those SOPs
8 that are Exhibit 39?

9 A. No.

10 Q. Were you consulted in any way before
11 the SOPs were revised and published?

12 A. No.

13 Q. Did you ever see any statistics -- I
14 know I asked you a related question; I don't think
15 this is the same one -- any statistics from the
16 police department about the Polygraph Unit?

17 A. No.

18 Q. You never saw any that said that --
19 what -- what's the average waiting time for a
20 requesting detective to get a subject a polygraph
21 exam?

22 A. No, ma'am.

23 Q. How many times subjects were found
24 unsuitable?

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1 A. No, ma'am.

2 Q. How many times the results were
3 inconclusive?

4 A. No, ma'am.

5 Q. How many times the results were des --
6 deception detected?

7 A. No, ma'am.

8 Q. Or truth detected?

9 A. No, ma'am.

10 Q. No statistics of any kind whatsoever.

11 A. No, ma'am.

12 Q. And I know I asked you before if you
13 kept your own. But you didn't keep any statistics
14 about your own polygraph --

15 A. No, ma'am.

16 Q. -- examinations?

17 Did you ever administer a second
18 polygraph examination to the same person?

19 A. I don't believe I have.

20 Q. When a polygraph examination is
21 inconclusive, if you had reason to think that
22 administering a second exam would give you a
23 different result, is there any reason not to do a
24 second exam?

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1 had subsequently -- they were -- they were charged.

2 Q. Do you know anybody's name?

3 A. No.

4 Q. How about an error the other way,
5 people who you said were deceptive and who were later
6 exonerated?

7 A. That, I don't know.

8 Q. You -- you never heard of any -- any
9 such case in any of your polygraph examinations.

10 A. Not off the top of my head. No.

11 Q. How many men did you test that
12 later -- that passed and were later --

13 A. I believe there were three.

14 Q. Could an error on a polygraph
15 examination lead to a false confession?

16 MR. NATHAN: Object -- object to the form of
17 the question, calls for speculation.

18 THE WITNESS: I don't know.

19 BY MS. SUSLER:

20 Q. How would you recognize a false
21 confession?

22 A. I --

23 MR. NATHAN: Objection -- one second.

24 Objection, form, foundation, calls for
BREHON REPORTING (708) 442-0027

1 speculation.

2 Go ahead.

3 THE WITNESS: Yeah. I don't know.

4 BY MS. SUSLER:

5 Q. Do you believe false confessions
6 occur?

7 A. No.

8 Q. There's no circumstance under which
9 you can think that a false confession could occur?

10 A. No.

11 Q. What do you think a polygraph examiner
12 can do to avoid a false confession?

13 A. What do you mean?

14 Q. What do you think a polygraph examiner
15 can do to make sure that any inculpatory statement
16 elicited during the polygraph examination is not a
17 false confession?

18 A. Well, once the statement is given,
19 then that goes back to the detective to investigate
20 that statement. If that detective comes back and
21 says there's, you know -- there's -- there's a
22 problem with it, then we -- and then I can -- you
23 know, we can go from there, and if he wants to retest
24 it or whatever.

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1 Q. Has that ever happened?

2 A. No.

3 Q. Would you agree that polygraph
4 examiners should avoid false confessions?

5 A. Avoid? I've never had a false
6 confession.

7 Q. Well, that's not really my question.
8 The question is: Would you agree that a polygraph
9 examiner should avoid false confessions?

10 A. If a person is confessing, you take it
11 on -- you take it at face value and you would notify
12 the detectives who are there, who are responsible for
13 that investigation.

14 Q. So you would not agree that a
15 polygraph examiner should avoid false confession?

16 MR. NATHAN: Objection, mischaracterizes his
17 testimony, asked and answered.

18 THE WITNESS: Any information gleaned from a
19 polygraph examination that is of an inculpatory
20 nature should be transmitted -- or transmitted to the
21 appropriate detective for his -- his or her actions.

22 BY MS. SUSLER:

23 Q. So -- you said any -- any confession
24 that is elicited through a polygraph examination you

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1 take at face value?

2 A. And transmit it to the appropriate
3 detective for them to investigate.

4 Q. Okay. Do you believe, when someone
5 gives you an inculpatory ex -- statement during a
6 polygraph examination, that the person is always
7 telling the truth?

8 A. Yes.

9 Q. And if the person denies guilt, do you
10 believe that person is always not telling the truth?

11 A. No.

12 Q. Depends on the result of the
13 polygraph --

14 A. Yes, ma'am.

15 Q. -- examination.

16 But if the person denies guilt, you
17 don't take that at face value?

18 A. No.

19 Q. Only when the person confesses, you
20 take it at face value?

21 A. The person that's coming in to me
22 because he's denying guilt.

23 Q. You already know that because --

24 A. That's why --

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1 the truth?

2 A. I'm assuming new information --

3 MR. NATHAN: One second. One second.

4 Objection, asked and answered.

5 Go ahead.

6 THE WITNESS: New information has been
7 gleaned. At that point the detectives have a right
8 to know what that information is.

9 BY MS. SUSLER:

10 Q. Okay. And in the cases where you've
11 gotten confessions in the pretest interview --

12 A. Um-hum.

13 Q. -- and the person makes an inculpatory
14 statement, you don't then conduct a polygraph exam,
15 do you?

16 A. No.

17 Q. And that's because you take it as
18 truth when the person makes an inculpatory statement.

19 MR. NATHAN: Objection, asked and answered.

20 THE WITNESS: No. I transmit that information
21 to the detectives who then take over the
22 investigation from there.

23 BY MS. SUSLER:

24 Q. But you're making a decision that
BREHON REPORTING (708) 442-0027

1 there's no reason to test the truth or the deception
2 of the inculpatory statement because you don't go
3 ahead and do the polygraph exam --

4 A. It's --

5 Q. -- right?

6 A. At that point, once the new
7 information has been brought forth, it is up to the
8 detective on whether or not he wants to do -- to
9 administer a polygraph examination at that time.

10 Q. In the over 100 cases where you've
11 gotten inculpatory statements or confessions in the
12 pretest interviews, have you ever conducted a
13 polygraph examination on those individuals?

14 A. No.

15 Q. And each time you decided not to
16 conduct a polygraph exam, that was your decision or
17 the detective's?

18 A. The detective's.

19 Q. Not yours?

20 A. No.

21 Q. Do -- do you think you could recognize
22 a false confession?

23 A. No.

24 Q. Do you believe that fabricated eff --
 BREHON REPORTING (708) 442-0027

1 confessions occur?

2 A. No.

3 Q. There's no circumstance under which
4 you could ever fathom a fabricated confession?

5 A. No.

6 Q. Do you think a fabricated confession
7 is something that a polygraph examiner has a -- a
8 responsibility to avoid?

9 A. Yes.

10 Q. Why is that?

11 A. Well, if it's not the truth, it's not
12 the truth.

13 Q. How many polygraph examinations have
14 you conducted?

15 A. I really don't know.

16 Q. Thousands?

17 A. Yes.

18 Q. And as of May of 2005, how many had
19 you conducted?

20 A. Don't know.

21 Q. But they were all using the same
22 technique that you described for me earlier.

23 A. Yes.

24 Q. Is there any scientific data showing
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1 Q. Where -- where did you get that and
2 the other information that's on the first two pages?

3 A. That is automatically input into the
4 report when you insert the RD number in.

5 Q. On a computer?

6 A. Yes.

7 Q. So you got that from the automatic --
8 whatever the computer pulls up. It says here your
9 approving supervisor was Robert Konrath,
10 K-o-n-r-a-t-h.

11 A. Yes, ma'am.

12 Q. That's one of the people up your chain
13 of command and -- as of May of 2005?

14 A. Yes. He was the day supervisor.

15 Q. And that he was not a polygraph
16 examiner?

17 A. No.

18 Q. He was the sup -- day supervisor of
19 what?

20 A. Forensic Services.

21 Q. Now, in Exhibit 47, you indicate, as
22 you've testified, that the results of Ms. Harris's
23 polygraph examination were inconclusive, correct?

24 A. Yes, ma'am.

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1 Q. And you indicate that, with respect to
2 Mr. Dancy, in the last page, "No examination subject
3 to emotion."

4 A. Yes, ma'am.

5 Q. In this report you had an opportunity
6 to provide the -- some of the detail that you've told
7 us here today about why it was inconclusive, did you
8 not? With respect to Ms. Harris?

9 A. Could you say that again, please.

10 Q. Sure. This report was an opportunity
11 for you to explain the results of Ms. Harris's
12 polygraph examination.

13 A. This report was the results of her
14 examination.

15 Q. I see that you put "Examination
16 result, inconclusive." I guess my question is: Was
17 there any reason why you couldn't have said,
18 "Ms. Harris's physiological responses were flat"?

19 A. I said Mrs. -- I stated that
20 Mrs. Har -- Ms. Harris's was inconclusive. That was
21 it.

22 Q. Okay.

23 A. That's all I wanted to say.

24 Q. Is there any reason why you couldn't
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1 have said that her physiological responses were shut
2 down, the way you testified today?

3 A. Because that's not what we do. These
4 are -- these reports here are what -- what is our
5 results. That's it.

6 Q. So there is or is not a reason why you
7 couldn't have written --

8 A. There's no reason why I couldn't have.

9 Q. Okay.

10 A. I didn't.

11 Q. Could you have said, " Ms. Harris's
12 physiological responses are shut down which could be
13 an indication of her grief as a result of having lost
14 her four-year-old and had her five-year-old taken by
15 DCFS"?

16 A. Could I have wrote that down there?

17 Q. Yeah.

18 A. I could have.

19 Q. And is there any reason you didn't?

20 A. Because this is the polygraph results.
21 That's all it is. And I indicated the results of her
22 polygraph examination.

23 Q. Could you have said, "I think Ms." --

24 "I think the investigation could benefit from
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1 A. That's right.

2 Q. So they don't necessarily know why it
3 didn't work, right, unless you explain it to them?

4 A. I have no recollection of what I said
5 to them. I just -- I know I explained to them that
6 she was inconclusive.

7 Q. All right. Is it fair to assume that
8 if you don't explain to them why you think it was
9 inconclusive, they don't know, because they're not
10 trained polygraph examiners?

11 A. Well, let me -- I don't remember
12 saying to them specifically, "She's inconclusive,
13 bring her back, this is the reason why she's
14 inconclusive." Okay. I have no specific
15 recollection. That doesn't mean that I didn't
16 actually say something to them as regards to, you
17 know, the -- the woman just lost her child, that's
18 why she's inconclusive. I don't know that. I don't
19 know whether I did or I didn't --

20 Q. Have you --

21 A. -- I have no recollection, ma'am.

22 Q. In your -- what you're calling your
23 protocol and I'm calling your routine, have you ever
24 reported polygraph results to detectives who bring in
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1 subjects other than to say inconclusive, deceptive,
2 truthful or I didn't do the exam?

3 A. No.

4 Q. That's what you report?

5 A. Yes.

6 Q. Okay. That's your routine?

7 A. Yes.

8 Q. Have you -- do -- in your memory right
9 now, can you tell me about any other time that you
10 told a detective anything other than those four
11 options when you were reporting the results?

12 A. I don't believe so.

13 Q. Okay. So is there any reason to think
14 you did anything else in this case except say
15 inconclusive?

16 A. I don't remember what I said.

17 Q. All right. And you didn't have any
18 report indicating that you told the detectives
19 anything other than that it was inconclusive.

20 A. That's correct.

21 Q. If you were a detective, do you think
22 you'd want to know if the polygraph examiner thought
23 that it might be fruitful to readminister the
24 polygraph exam at a later date when they might be

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1 Q. What else about this particular
2 investigation stands out in your mind?

3 A. Truly, nothing.

4 Q. Do you remember anything Stavon said
5 to you?

6 A. No.

7 Q. Now, have you ever been accused in any
8 way of any wrongdoing in connection with your role as
9 a polygraph examiner with the police department?

10 A. Yes.

11 Q. What have you been accused of?

12 A. I've been accused of -- let's see --
13 one gentleman said that I was going to put him in a
14 room in a cell and cattle prod him.

15 Q. What was that person's name?

16 A. I forget.

17 Q. When was that?

18 A. A number of years ago.

19 Q. How many?

20 A. Ten, twelve.

21 Q. And what was the nature of the
22 accusation? Was it a CR? Was it a lawsuit?

23 A. It was a CR number, I believe.

24 Q. Okay. What happened as a result --
BREHON REPORTING (708) 442-0027

1 A. I don't --

2 Q. -- of that accusation?

3 A. I don't know.

4 Q. Is it still pending --

5 A. No.

6 Q. -- or is it resolved?

7 A. I have no pending CR numbers, ma'am.

8 Q. Did you give any kind of interview or
9 have to write a to-from?

10 A. I believe I had to write a to-from.

11 Q. Did you deny it?

12 A. Absolutely.

13 Q. Were there any witnesses?

14 A. No.

15 Q. What happened?

16 A. In regards to this situation?

17 Q. Yes.

18 A. I was informed by my supervisor that
19 there was an allegation made against me.

20 Q. Were you ever informed of a -- a
21 conclusion?

22 A. No.

23 Q. No. So you don't know whether it was
24 sustained or not sustained or exonerated, unfounded?

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1 A. No.

2 Q. Do you care?

3 A. No.

4 Q. Any other accusations of wrongdoing in
5 connection with your being a polygraph examiner --

6 A. I've been --

7 Q. -- at the CPD?

8 A. -- accused of fabricating confessions.

9 Q. Tell me about that.

10 A. A number of individuals have said that
11 I've made up their confessions.

12 Q. "A number." How many?

13 A. Two, three.

14 Q. What are their names?

15 A. Donny McGee, and I don't know if Danny
16 Lanza would count. Danny Lanza was a Spanish
17 speaker, and he spoke Spanish and only Spanish, and
18 somehow I was brought into the middle of it. He
19 confessed to a detective in my presence, and he spoke
20 only Spanish.

21 And I believe there was also
22 Lamar Blount -- no, actually, Lamar Blount has never
23 accused me of doing anything. Other people have
24 accused me in Lamar Blount's name, but Lamar Blount

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1 himself has never accused me of anything.

2 Q. Okay. When, and under what
3 circumstances, was the Donny McGee accusation that
4 you fabricated a confession?

5 A. Donny McGee confessed to killing his
6 next-door neighbor to myself and two detectives.

7 Q. And did you do the polygraph
8 examination?

9 A. No.

10 Q. Because he confessed in the pretest
11 interview?

12 A. Yes.

13 Q. And you believed him when he said he
14 was guilty?

15 A. Yes.

16 Q. Okay. And so you didn't do the
17 polygraph examination because there wasn't any need
18 to test whether he was truthful or deceptive?

19 A. Because after the detectives
20 questioned him when I brought the detectives in, it
21 was their decision not to ad -- administer the
22 examination.

23 Q. Okay. And so what happened with
24 respect to that?

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1 A. A lawsuit was filed.

2 Q. Yes, and?

3 A. And a settlement was reached.

4 Q. What happened before the lawsuit was
5 filed?

6 A. There was a trial. Before the
7 lawsuit? Oh, he was found not guilty. Excuse me.

8 Q. Okay. He was found not guilty of the
9 murder?

10 A. Yes.

11 Q. Okay. And was DNA part of that
12 decision?

13 A. In the criminal trial? No.

14 Q. DNA didn't exclude him from?

15 A. On the criminal trial? No.

16 Q. Okay. You followed that?

17 A. The criminal trial? I just know that
18 there was no DN -- that the -- there was no DNA
19 introduced in the criminal trial.

20 Q. Was there any physical evidence
21 connecting Mr. McGee to the murder?

22 MR. NATHAN: Object to the form of the
23 question, and to the extent it calls for speculation.

24 THE WITNESS: There was a fingerprint found of
BREHON REPORTING (708) 442-0027

1 his outside the house.

2 BY MS. SUSLER:

3 Q. Okay. Basically --

4 A. I don't know.

5 Q. -- it was his confession that was
6 used?

7 A. Yes.

8 Q. Yeah. And do you know how many years
9 he spent in jail waiting for trial?

10 A. Three.

11 Q. Three years. And then once he was
12 found not guilty, that's when he sued you?

13 A. Yes.

14 Q. And he -- who defended you in that
15 case?

16 A. Andrew Hale.

17 Q. Same firm that's handling your defense
18 today.

19 A. Um-hum.

20 Q. Okay. And at -- after -- at that
21 trial, the civil rights trial, what -- what did the
22 jury decide?

23 A. They found in his favor.

24 Q. Did you testify at the criminal trial?
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1 A. Yes -- yes. I think I did. I'm not
2 sure, but I believe I did.

3 Q. You told the jury that Mr. McGee
4 confessed?

5 A. Yes.

6 Q. And the jury didn't believe you?

7 MR. NATHAN: Objection --

8 THE WITNESS: The jury found him --

9 MR. NATHAN: Objection, calls for speculation.

10 THE WITNESS: The jury found him not guilty.

11 BY MS. SUSLER:

12 Q. Okay. And then did you testify at the
13 civil rights trial?

14 A. Yes.

15 Q. And how much did the jury award?

16 A. At that point, 1.3 million.

17 Q. And then ultimately the city settled
18 with Mr. McGee?

19 MR. NATHAN: Objection, foundation --

20 THE WITNESS: The trial --

21 MR. NATHAN: One second. Objection,
22 foundation, incomplete narrative.

23 Go ahead.

24 THE WITNESS: The city appealed that decision
 BREHON REPORTING (708) 442-0027

1 and won. And after the appeal, then it was settled.

2 BY MS. SUSLER:

3 Q. Okay. Now, you didn't pay that?

4 A. No.

5 Q. After Mr. McGee was found not guilty
6 and after the civil trial, did anyone up your chain
7 of command ever speak to you about the situation with
8 Mr. McGee?

9 A. Insofar as what?

10 Q. Were you ever written up or reported?

11 A. Oh, absolutely not.

12 Q. And never disciplined?

13 A. No.

14 Q. And never sent to retraining or any
15 kind of training as a result?

16 A. No.

17 Q. No consequences to you whatsoever?

18 A. No.

19 Q. And then Danny Lanza, you said, also
20 accused you of -- of fabricating a confession. What
21 happened to his criminal case?

22 A. I believe it was thrown out.

23 Q. That was a situation where you -- you
24 said that he blurted out a confession, correct?

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1 A. I don't speak Spanish. Danny Lanza
2 speaks nothing but Spanish.

3 Q. How many years in jail did Mr. Lanza
4 serve before he -- the prosecution dropped the
5 charges against him?

6 A. I have no idea.

7 Q. And they were dropped because the
8 actual person who committed the crime was caught?

9 A. That, I don't know. I believe -- I
10 believe there was a gentleman who was confessing to a
11 number of other cases and somehow he was included.
12 So the -- the prosecution dropped it.

13 Q. Who was your lawyer in the civil
14 rights case?

15 A. I think it was Andrew Hale.

16 Q. What --

17 A. I believe it was. Yes.

18 Q. What was the result of that lawsuit?

19 A. That was settled.

20 Q. The city paid money --

21 A. Yes.

22 Q. -- to Mr. Lanza?

23 A. Yes.

24 Q. Were you ever written up, disciplined,
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1 as a result of that case?

2 A. No.

3 Q. Ever sent to any kind of training or
4 retraining?

5 A. No.

6 Q. And basically no consequences?

7 A. No.

8 Q. You mentioned Lamar Blount. Tell me
9 about Mr. Blount.

10 A. Lamar Blount never accused me of
11 anything.

12 Q. Well, you said other people accused
13 you on his behalf. Was that of fabricating a
14 confession?

15 A. Lamar Blount, people have -- on his
16 behalf have accused me of fabricating a confession.
17 Yes.

18 Q. That was one of those cases where, in
19 the pretest interview, you said that he confessed and
20 there was no polygraph examination --

21 A. Correct.

22 Q. -- as a result?

23 And he was acquitted at trial?

24 A. I believe so. I didn't testify during
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1 that trial.

2 Q. Okay. Any kind of consequences to
3 you, disciplinarywise, after Mr. Blount?

4 A. No.

5 Q. Do you know a Steven Earl Williams?

6 A. No.

7 Q. No? He didn't allege that you falsely
8 claimed that he was deceptive during a polygraph?

9 A. I don't have any recollection of
10 Steven Earl Williams, ma'am.

11 Q. A carjacking?

12 A. I don't have any recollection of
13 Steven Earl Williams, ma'am.

14 Q. Okay. In any event, you were never
15 disciplined or retrained as a result of any
16 involvement with the Steven Earl Williams that you're
17 aware of?

18 A. No.

19 Q. Do you know someone named Tarri
20 Wilson?

21 A. Yes.

22 Q. Okay. Mr. Wilson accuses you of what?

23 A. Fabricating the results of the
24 polygraph.

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1 Q. Okay. What happened with Mr. Wilson?

2 A. That case is still pending.

3 Q. What happened in the criminal case?

4 A. He was -- he was -- he was dismissed.

5 Q. The prosecutor dropped the charges?

6 A. Yes.

7 Q. After you claimed that he was lying
8 when he said he was innocent?

9 A. That's -- the way you said it, my
10 results of the examination showed that he was being
11 deceptive.

12 Q. Okay. And that's what you reported to
13 the detectives?

14 A. Yes.

15 Q. And how was it that the prosecutor
16 dropped the charges against Mr. Wilson?

17 MR. FLYNN: Objection, foundation.

18 THE WITNESS: From what I understand, there
19 was a video enhance that showed it wasn't him.

20 BY MS. SUSLER:

21 Q. So that civil rights case is pending?

22 A. Yes.

23 Q. Who is your lawyer?

24 A. Jordan Marsh.

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1 Q. Why not Mr. Hale?

2 A. I don't know.

3 Q. Well, who hires your lawyers?

4 A. City of Chicago.

5 Q. If -- were there any disciplinary
6 consequences to you as a result of Mr. Wilson's
7 prosecution being dropped?

8 A. No.

9 Q. And if the city ultimately settles or
10 there's a verdict against you and the other
11 detectives, do you expect that there would be any
12 discipline or retraining as a result?

13 A. It's up to the city, ma'am.

14 Q. Well, has that ever happened in any
15 time that there has been a not guilty verdict or
16 charges dropped or a settlement?

17 A. No.

18 Q. You named Danny McGee and Danny Lanza
19 and Lamar Blount. Who else accused you of
20 fabricating confession?

21 A. I don't remember, ma'am.

22 Q. How many more people --

23 A. I don't --

24 Q. -- accused you of fabricating
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1 MR. NATHAN: Other than what we've talked
2 about here?

3 MS. SUSLER: Yes.

4 THE WITNESS: I don't remember. I don't know.

5 BY MS. SUSLER:

6 Q. Do you know whether -- I know you said
7 you don't keep statistics, but I saw some testimony
8 where you testified that you had gotten over 100
9 pretest confessions from subjects in -- during your
10 career as a Chicago police poly -- polygraph
11 examiner.

12 Do you recall that testimony?

13 A. Yes.

14 Q. Do you know whether anybody else in
15 the United States has a record like that?

16 A. Don't know.

17 Q. Do you think that's unusual?

18 A. No.

19 Q. How do you know?

20 A. I don't.

21 Q. You have no basis for saying it's
22 unusual or it's not unusual?

23 A. Correct.

24 Q. What do you think is unique to your
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1 technique of doing pretest interviews in polygraph
2 examinations that you could attribute to that record?

3 A. Don't know.

4 MR. NATHAN: Object to -- one second. Object
5 to the form of the question, foundation, assumes that
6 it's, in fact, unique.

7 Go ahead.

8 THE WITNESS: I don't know.

9 BY MS. SUSLER:

10 Q. How much money has the City of Chicago
11 paid to plaintiffs in civil lawsuits as a result of
12 your role as a polygraph examiner?

13 MR. FLYNN: Objection, foundation.

14 THE WITNESS: Probably about 800,000, I
15 believe.

16 BY MS. SUSLER:

17 Q. And where do you get that number?

18 A. That was the greeter -- that was the
19 settlement with Donny McGee.

20 Q. Well, didn't we talk about some other
21 cases that were settled?

22 A. Lanza. I know that was 35,000, maybe.
23 I believe.

24 Q. Are you aware of any other payments
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1 the city has made as a result of lawsuits related to
2 your role as a polygraph examiner?

3 A. No.

4 Q. Do you know whether the city's ever
5 paid out any money in civil lawsuits related to any
6 other polygraph examiner in the city of Chicago?

7 MR. FLYNN: Objection, foundation.

8 THE WITNESS: Yes.

9 BY MS. SUSLER:

10 Q. How much and -- and for what -- and
11 related to what polygraph examiner?

12 MR. FLYNN: Going to object here. I think
13 that these settlement amounts may be not public
14 information and not something that he is allowed to
15 talk about during his deposition.

16 MS. SUSLER: Settlements are public record.

17 MR. FLYNN: Oh, I just wanted to --

18 MS. SUSLER: They're approved by the city
19 council.

20 MR. FLYNN: I just wanted to advise the
21 witness that if there's anything he's been told not
22 to release as far as settlement amounts, to not
23 testify to it here today.

24 BY MS. SUSLER:

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1 Q. Can you answer the question, please.

2 A. I know there was a settlement amount
3 for Tina Figueroa. I do not know what it was, how
4 much it was.

5 Q. Was it over \$500,000?

6 A. I do not know how much it was.

7 Q. What was the plaintiff in that case?

8 A. No idea.

9 Q. When did it settle?

10 A. Don't remember.

11 Q. Have you got any commendations related
12 to your role as a Chicago Police Department polygraph
13 examiner?

14 A. Honorable mentions, maybe a few.

15 Q. For what?

16 A. Administering polygraph examinations
17 that helped through the conclusion of drop -- the
18 conclusion of an investigation.

19 Q. Can you name any cases?

20 A. Not off the top of my head, ma'am.

21 No.

22 Q. And the dates of those commendations?

23 A. Not off of top of my head, ma'am. No.

24 MS. SUSLER: All right. I'm going to take a
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